



STATE OF SOUTH CAROLINA DEPARTMENT OF EDUCATION

Mick Zais
Superintendent

1429 Senate Street
Columbia, South Carolina 29201

May 14, 2013

Ms. Deborah S. Delisle
Assistant Secretary for Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-6100

Dear Assistant Secretary Delisle:

I am writing on behalf of the South Carolina Department of Education (SCDE) to request a waiver of the limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) that prohibits a state educational agency (SEA) from granting to a local educational agency (LEA) a waiver of the carryover limitation in section 1127(a) of the ESEA more than once every three years. Section 1127(b) permits an SEA to waive the limitation in section 1127(a) once every three years if: (1) the LEA's request is reasonable and necessary; or (2) a supplemental Title I Part A appropriation becomes available. In accordance with these provisions, I am requesting a waiver to allow the SCDE to waive the carryover limitation more than once every three years for an LEA that needs the additional waiver because it would be reasonable and necessary due to the sequester, which has resulted in additional uncertainty about the use of Federal fiscal year (FY) 2013 Title I, Part A funds that will be available for use by the LEAs primarily in the 2013-14 school year. I am requesting this waiver to permit an LEA to carry over FY 2012 Title I, Part A funds (SY 2012-13) in excess of the carryover limitation.

The SCDE believes that the requested waiver will provide the SEA with the ability to grant an LEA the flexibility it needs to spend its FY 2012 Title I, Part A funds thoughtfully over the remainder of this year (2012-13) and next school year (2013-14) on activities that are most likely to increase the quality of instruction and improve the academic achievement of students in face of the likely reduction in its FY 2013 Title I, Part A allocation due to the sequester. Accordingly, the SCDE believes that, ultimately, the requested waiver may help more schools and LEA's within the State meet their annual measurable objectives (AMO's) by enabling them to direct their funds thoughtfully to activities that will help in this regard.

The SCDE will ensure that an LEA that is interested in obtaining a waiver of the carryover limitation in section 1127(a) so that it can carryover more than fifteen percent of its Title I, Part A FY 2012 allocation and has already received such a waiver within the prior three years, applies to the SCDE in accordance with the state's regular procedures for waivers of the carryover limitation. South Carolina hereby assures that it will implement the requested waiver only with respect to an LEA that needs a waiver of the carryover limitation for the second (or third) time within three years because of the sequester.

Prior to submitting this waiver request, the SCDE provided all LEAs in the state with notice and a reasonable opportunity to comment on this request. South Carolina provided such notice by sending an e-mail to each LEA on May 3, 2013. Copies of all comments that the Department received from LEAs in response to this notice are attached hereto. SCDE has also provided notice and information regarding this waiver request to the public in the manner in which the state customarily provides such notice and information to the public by posting information regarding the waiver request on its website.

Please feel free to contact Mr. Roy Stehle, Director of Federal and State Accountability by phone at (803) 734-8118 or via email at rstehle@ed.sc.gov if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Dr. Mick Zais
State Superintendent of Education